IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:11-CT-3128-D

MICHAEL A. WILLIAMS,)	
Plaintiff,)	
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v.)	ORDER
)	
ALVIN W. KELLER, et al.,)	
)	
Defendants.)	

On July 15, 2011, Michael A. Williams ("Williams" or "plaintiff") filed this action pursuant to 42 U.S.C. § 1983 [D.E. 1]. Williams seeks leave to proceed in forma pauperis [D.E. 2]. On July 25, 2011, Williams filed motions to appoint counsel [D.E. 4–5]. On August 15, 2011, Williams moved to amend the complaint [D.E. 6]. On August 25, 2011, Williams moved to certify the case as a class action [D.E. 7]. On September 26, 2011, Williams filed a motion in limine [D.E. 8]. On November 4, 2011, Williams filed a motion to dismiss this action with prejudice [D.E. 9].

A plaintiff may dismiss an action voluntarily, without an order of the court, by filing a notice of dismissal at any time before service by the adverse party of an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a)(1)(A)(i). Otherwise, an action shall not be dismissed on the plaintiff's request except upon order of the court. Fed. R. Civ. P. 41(a)(2). Defendants have not filed an answer or motion for summary judgment. Thus, the court will allow the voluntary dismissal.

¹ In so moving, Williams states that he "understands that this case (5:11-CT-3138-D) will be dismissed and cannot be reinstated at a later date." Mot. Dismiss 1.

Williams's motion to dismiss with prejudice [D.E. 9] is ALLOWED, and this action is DISMISSED WITH PREJUDICE. Williams's remaining motions [D.E. 2, 4–8] are DENIED AS MOOT. The Clerk of Court is DIRECTED to close this case.

SO ORDERED. This 8 day of November 2011.

AMES C. DEVER III

Chief United States District Judge